IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 598 OF 2005

K.A. Aboobaker & Ors. ... Petitioners

V/s.

The Bombay Municipal Corporation & Ors. ... Respondents

Mr. Manish Mistry instructed by M/s. M.P. Vashi & Associates for the Petitioners

Ms. Shobha Ajitkumar for Respondent No.1

Mr. K.R. Belosey, Assistant Government Pleader, for Respondents No. 2 and 3, 4

Mr. Shiraz Rustomjee instructed by M/s. Pravin Mehta & Mithi & Co. for the Petitioners in Writ Petition No. 3000 of 2002

Mr. Gautam Patel, *Amicus Curiae.*

CORAM: KSHITIJ R. VYAS, C.J., &
DR.D.Y.CHANDRACHUD,J.
DATE: MARCH 29, 2006.

P.C.:-

1. The petitioners, who are selling coconut water in Juhu Beach, have claimed that they have been carrying on their said activities there for more than 20 years. They have prayed for a direction to the respondents to allow the

petitioners and other coconut vendors to carry on their trade at Juhu Beach by allowing them to construct stalls.

2. In our opinion, the petitioners are not entitled to have any such direction, inasmuch as they do not satisfy any of the conditions given by this Court in its order dated 28th June, 2004 passed in Writ Petition No. 2797 of 1988 along with Writ Petition No. 3000 of 2002. It was stated that the said order was challenged by the Juhu Beach Khaddya Peye Vikreta Co-operative Society by filing Petition for Special Leave to Appeal (Civil) No. 14208 of 2004 in the Supreme Court, which was dismissed by order dated 2nd August, 2004.

3. The petitioners are not having the Collector's licence to carry on the trade at Juhu Beach. There being no substance, this petition is dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD,J.